

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAUL MIRANDA RAMIREZ,
Plaintiff,
v.
TAMMY CAMPBELL, et al.,
Defendants.

No. 1:24-cv-00273 JLT GSA (PC)
ORDER GRANTING PLAINTIFF'S MOTION
FOR LEAVE TO AMEND COMPLAINT
(ECF No. 11)
PLAINTIFF'S FIRST AMENDED
COMPLAINT DUE IN THIRTY DAYS

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The matter is at the screening stage of the proceedings.

Plaintiff has filed a motion for leave to amend the complaint. ECF No. 11. In support of the motion, Plaintiff states that he believes that being permitted to amend the complaint will enable him to address defects that are in his original complaint and add facts to the claim. *Id.* at 1.

Plaintiff may file an amended complaint at this stage of the proceedings without leave of court. Under Rule 15(a) of the Federal Rule of Civil Procedure, a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served. Otherwise, a party may amend only by leave of the court or by written consent of the adverse party, and

leave shall be [*3] freely given when justice so requires. Fed. R. Civ. P. 15(a). Here, because Plaintiff has not previously amended the Complaint and no responsive pleading has yet been served in this action, Plaintiff has leave to file an amended complaint as a matter of course.

Therefore, Plaintiff's motion for leave to amend will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court shall send Plaintiff a copy of the Court's Civil Rights Complaint By A Prisoner form, and Plaintiff must use this form when amending his complaint;
2. Plaintiff's motion for leave to amend the complaint (ECF No. 11) is GRANTED, and
3. The amended complaint must be filed within thirty days from the date of this order.

IT IS SO ORDERED.

Dated: December 20, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE